

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**

IN RE:

BANKRUPTCY PROCEEDING

KENNETH CLAY GEORGE

CASE NUMBER: 11-01491 NPO

**ORDER GRANTING TRUSTEE'S MOTION TO APPROVE AUCTION AND FOR
AUTHORITY TO SELL ASSETS FREE AND CLEAR OF LIENS, INTEREST,
ENCUMBRANCES AND CLAIMS**

THIS MATTER COMES before the Court upon Motion to Approve Auction and for Authority to Sell Assets Free and Clear of Liens, Interests, Encumbrances and Claims filed by Derek A. Henderson, the Trustee (Docket No. 37). The Court finds that the Trustee's Motion is well taken and should be granted. The Court finds as follows:

1.

The Court has jurisdiction over this matter pursuant to 28 U.S.C. §1334 and 28 U.S.C. §157. This matter is a core proceeding.

2.

On April 25, 2011, Kenneth Clay George ("Debtor") filed his petition under Chapter 7 of the United States Bankruptcy Code before the United States Bankruptcy Court for the Southern District of Mississippi. Derek A. Henderson was appointed the Chapter 7 Trustee ("Trustee").

3.

At the time of the filing of the bankruptcy petition, the Debtor was the owner of certain equipment and personal property located at 4880 Highway 13 South, Morton, Scott County, Mississippi (hereinafter "Subject Property").

4.

The Trustee requests authority from the Court to conduct a public auction for the sale of

the Subject Property. The Subject Property is to be sold "As Is".

5.

On July 19, 2010, the Trustee filed his Motion to Approve Auction and for Authority to Sell Assets Free and Clear of Liens, Interests, Encumbrances and Claims. After notice to creditors and parties-in-interest, no objections have been filed.

6.

The Trustee requests authority from the Court to sell the personal property "As Is" free and clear of liens, interest, encumbrances, and claims to the highest bidder. The auction purchase price is fair and reasonable and is in the best interest of the bankruptcy estate.

7.

The Trustee requests the Court to find that any bidder be considered a good faith purchaser pursuant to §363(m) of the United States Bankruptcy Code.

8.

The Trustee further requests authority from the Court to execute bills of sale or other documentation required to consummate the sale.

THEREFORE, IT IS ORDERED that the Trustee's Motion to Approve Auction and for Authority to Sell Assets Free and Clear of Liens, Interests, Encumbrances and Claims is hereby granted. The Trustee is authorized to conduct a public auction for the sale of certain equipment and personal property located at 4880 Highway 13 South, Morton, Scott County, Mississippi. The Trustee is authorized to sell the Subject Property free and clear of liens, interests, encumbrances and claims pursuant to §363 of the United States Bankruptcy Code to the highest bidder. Any liens shall attach to the sales proceeds to the same extent and priority.

IT IS FURTHER ORDERED that the highest bidder shall be considered a good faith

purchaser pursuant to §363(m) of the United States Bankruptcy Code. The Trustee is authorized to execute any bills of sale or other appropriate documentation required to consummate the sale.

IT IS FURTHER ORDERED that a separate final judgment shall be entered.

SO ORDERED.



Neil P. Olack
United States Bankruptcy Judge
Dated: August 15, 2011

Submitted by:



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